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Attorneys for Plaintiff and Counter-Defendant
OPULENT TREASURES, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

YA YA CREATIONS, INC.,

Plaintiff,

v.

OPULENT TREASURES, INC.,

Defendant.

OPULENT TREASURES, INC.,

Plaintiff,

v.

YA YA LOGISTICS, INC.,

Defendant.

Case No. 2:22-cv-06137-SSS-JC

[Consolidated with No. 23-04292]

**AMENDED DECLARATION OF
JOHN J. KUCERA IN SUPPORT OF
MOTION TO WITHDRAW AS
COUNSEL FOR PLAINTIFF AND
COUNTER-DEFENDANT
OPULENT TREASURES, INC.**

1 I, John J. Kucera, declare as follows:

2 1. I am a partner with BOIES SCHILLER FLEXNER LLP (“BSF”), and
3 my firm represents Opulent Treasures, Inc. (“Opulent”) in this matter. I make this
4 declaration in support of BSF’s Motion to Withdraw as counsel for Opulent.

5 2. On August 29, 2022, a complaint was filed that initiated this matter
6 between Opulent and Ya Ya Logistics, Inc. (“Ya Ya”). (ECF No. 1). On June 21,
7 2023, Opulent entered into an engagement agreement with BSF to represent Opulent
8 in this matter, and on July 28, 2023, BSF made its first appearance as attorneys of
9 record for Opulent (ECF No. 49, 50, and 51).

10 3. Since first appearing, BSF has represented Opulent in various hearings
11 and motions, including summary judgment motions (both affirmative and
12 defensive). (ECF Nos. 53, 59, 65, 71, 72, 87, and 88).

13 4. On July 10, 2024, Opulent and Ya Ya engaged in mediation before the
14 Honorable Frederick F. Mumm, United States Magistrate Judge (Ret.), but that
15 mediation did not result in a resolution of this case. (ECF No. 57).

16 5. On July 16, 2024, counsel for Ya Ya contacted BSF to request that
17 Opulent stipulate to request a continuance of the trial to a date in December 2024.

18 6. Following Ya Ya’s request to stipulate to continue the trial date, and
19 notwithstanding the unsuccessful mediation, the parties resumed settlement
20 discussions. Thereafter, following negotiations, on August 9, 2024, the parties filed
21 a “Joint Status Report on Settlement” and notified the Court that the parties had
22 reached an agreement in principle. (ECF No. 113).

23 7. Around the time the parties filed the Joint Status Report on Settlement,
24 Opulent accused BSF of misconduct that has resulted in the complete breakdown of
25 the attorney-client relationship, and there is no possibility of this relationship being
26 salvaged. I have not included any details regarding this accusation because of my
27 duty of confidentiality under CA. Bus. & Prof. Code § 6068(e)(1) and Rule 1.6 of
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1 the California Rules of Professional Conduct and only can say that it was directed
2 specifically to BSF's representation of Opulent in the current litigation. Opulent's
3 accusation therefore is implicated by anything BSF might do or omit doing in
4 representing Opulent, and any advice BSF might give or omit giving to Opulent, in
5 representing it in this litigation.

6 8. After consulting with BSF's in-house counsel regarding the nature of
7 the conflict and whether such conflict could be waived, BSF's in-house counsel
8 concluded that the nature of the conflict mandated that BSF withdraw from
9 representing Opulent pursuant to the relevant California Rules of Professional
10 Conduct (the "California Ethics Rules").

11 9. Thereafter, BSF advised Opulent of its conclusion that the California
12 Ethics Rules mandated that BSF withdraw from representing Opulent.

13 10. Following this, in an effort to confirm BSF's conclusion that the
14 California Ethics Rules mandate that BSF withdraw from representing Opulent, BSF
15 consulted with the California State Bar "Ethics Hotline" and consulted with
16 independent outside ethics counsel.

17 11. Prior to BSF informing Opulent of its intent to withdraw, BSF took
18 steps to avoid or minimize any prejudice to Opulent and Ya Ya. On September 3,
19 2024, BSF advised counsel for Ya Ya Logistics, of BSF's intent to move to
20 withdraw.

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27 12. Recently, BSF has retained outside counsel, Mr. Robert L. Kehr, of
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1 Valensi Rose, PLC, to represent BSF in presenting and arguing BSF's Motion to
2 Withdraw as Counsel for Opulent.

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4 Executed on October 9, 2024, at Los Angeles, California.

5
6 /s/ John J. Kucera

7 John J. Kucera
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